

MINUTES

INDIANA RESPIRATORY CARE COMMITTEE

MARCH 21, 2011

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Smith called the meeting to order at 10:00 a.m. in Conference Center Room 1 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Committee Members Present:

Gary L. Smith, R.C.P., Member
Patricia Ingle, R.C.P., Member
Dave Burnworth, R.C.P., Member

Committee Members Absent:

Thomas Konkle, R.C.P., Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Elizabeth Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

SMITH/INGLE

Motion carried 3-0-0

III. ADOPTION OF THE MINUTES FROM THE OCTOBER 22, 2010 MEETING OF THE COMMITTEE

A motion was made and seconded to adopt the minutes, as corrected, from the October 22, 2010 meeting.

SMITH/BURNWORTH

Motion carried 3-0-0

IV. ELECTION OF OFFICERS

1. Dave Burnworth made a motion to nominate Gary Smith for Committee Chairman with Patricia Ingle seconding the nomination.

BURNWORTH/INGLE
Motion carried 2-0-0

2. Dave Burnworth made a motion to nominate Patricia Ingle for Committee Designee with Gary Smith seconding the nomination.

BURNWORTH/SMITH
Motion carried 2-0-0

V. APPEARANCES

A. APPLICATION

1. Joshua Veid

Mr. Veid appeared before the Committee, as requested, regarding his application for licensure by examination. Mr. Veid is a 2006 graduate of Northern Kentucky University and passed the NBRC on October 12, 2005. He is currently licensed in the state of Ohio. On his application he answered "yes" to question number 2 which asks "Has disciplinary action ever been taken regarding any license, certification, registration or permit you hold or have held?" He explained that in 2005 while working at Christ Hospital in Cincinnati, Ohio he failed to change his student respiratory permit to a permanent Ohio respiratory license. Mr. Veid practiced for almost one year on an expired student permit. The Ohio Respiratory Care Board and Mr. Veid entered into a settlement agreement where he had to pay a fine of \$500.00 and received a letter of reprimand. There has been no other action taken.

Committee action: A motion was made and seconded to grant Mr. Veid a respiratory care practitioner license.

SMITH/ BURNWORTH
Motion carried 3-0-0

2. Ndjadi M. Yodi

Mr. Yodi did not appear before the Committee, as requested, regarding his application for licensure by examination. Mr. Yodi will be rescheduled to appear at the July 22, 2011 meeting of the Committee.

B. PROBATION

There was no probation appearances scheduled.

C. RENEWAL

1. Karma Pattyjean Amos, License No. 30005831A

Ms. Amos appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Amos answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she was discharged from Monroe Hospital in Bloomington, Indiana due to personality differences. Ms. Amos went on to explain that the management had changed and there were personality conflicts. Ms. Amos is currently employed at Bedford Regional Hospital and has no issues since being employed. Ms. Amos submitted sufficient continuing education as requested and a name change request to change her name Patty Jean Harbin.

Committee action: A motion was made and seconded to grant the renewal of Ms. Amos' respiratory care license.

INGLE/BURNWORTH
Motion carried 3-0-0

2. Christina Marie Bailey, License No. 30007711A

Ms. Bailey appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Bailey answered "yes" to question 3 on the renewal application that asks, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" She explained that on September 4, 2010 she was pulled over and failed a breathalyzer and field sobriety tests. On January 25, 2011 Ms. Bailey was convicted of operating a vehicle with ACE of .08 or more, a Class C Misdemeanor. She was ordered to pay fines and costs, sixty (60) days in the Delaware County Jail were suspended, one hundred eighty (180) days of supervised probation, fifty (50) hours of community service and the court ordered to have a breathalyzer installed in her vehicle in lieu of her driver's license being suspended. She is currently on probation and required to refrain from consumption of drugs or alcohol. Ms. Bailey submitted sufficient continuing education as requested.

Committee action: A motion was made and seconded to grant the renewal of Ms. Bailey's respiratory care license.

SMITH/BURNWORTH
Motion carried 3-0-0

3. Eric Robert Bickel, License No. 30007492A

Mr. Bickel appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Bickel answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" He explained that he was terminated from Indiana University Hospital in 2009 due to attendance issues and unsatisfactory performance. He stated that he had some personal issues at the time. Mr. Bickel is currently employed at Bluffton Regional Hospital and with Favorite Healthcare Staffing. Mr. Bickel submitted sufficient continuing education as requested.

Committee action: A motion was made and seconded to grant the renewal of Mr. Bickel's respiratory care license.

SMITH/BURNWORTH
Motion carried 2-0-1
*Ms. Ingle recused herself

4. Susan Kathleen Brown, License No. 3004580A

Ms. Brown appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Brown had answered "yes" to a question on her December 31, 2008 license renewal application, but never made a personal appearance regarding that positive response. Her renewal application was denied on February 10, 2009 for failure to make a personal appearance on January 23, 2009 and a positive response to question 5 that asks "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" Ms Brown explained that it was a mistake and she had marked "yes" incorrectly on the renewal. She stated she never received any correspondence from IPLA regarding the positive response and did not know she was required to appear January 23, 2009. Ms. Brown resubmitted a renewal, fee, and continuing education. She was requested to appear based upon the 2009 denial.

She is currently working in Michigan at a sleep lab, but would like to keep her Indiana license active since she lives on the border. The Committee chastised her for not being up to date on the statute and rules regarding respiratory care in Indiana.

Committee action: A motion was made and seconded to grant the renewal of Ms. Brown's respiratory care license.

SMITH/INGLE

Motion carried 3-0-0

5. Elizabeth Justina Colvin, License No. 30006716A

Ms. Colvin appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Colvin answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she had been terminated from Community South for unsatisfactory work performance after a confrontation with her supervisor. Ms. Colvin is currently employed with American Home Healthcare Equipment. She submitted sufficient continuing education as requested.

Committee action: A motion was made and seconded to grant the renewal of Ms. Colvin's respiratory care license.

SMITH/INGLE

Motion carried 3-0-0

6. Delbert Eugene Davis, License No. 30002021A

Mr. Davis appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Davis answered "yes" to question 3 on the renewal application that asks, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Mr. Davis explained that he was arrested on September 19, 2009, for driving while intoxicated. He pled guilty on January 12, 2010, to a class C felony of Driving While Intoxicated, 2nd and is currently serving a three (3) year criminal probation, subject to certain terms. He also disclosed that he had two (2) prior criminal convictions which he had not reported to the Committee in which he had a misdemeanor conviction for possession of marijuana twenty (20) years ago which he failed to disclose on his initial application for licensure and

was convicted in 2005 of misdemeanor Driving While Intoxicated which he failed to report on a previous application for renewal of his license. On April 25, 2003, the Applicant's respiratory care license was renewed on probation because he had been terminated from employment at Huntington Hospital for falling asleep while on duty. As a condition of probation he was required to undergo an assessment for sleep related breathing disorders. After a hearing on October 15, 2004, the probation was withdrawn. Mr. Davis' first DWI, which he failed to report timely to the Committee, occurred a few months after his license probation was withdrawn. He stated that he did not report the earlier convictions because he was afraid his license would be denied or suspended. Mr. Davis intentionally failed to disclose the prior convictions on his applications for licensure. Mr. Davis has completed all court required alcohol courses, must remain alcohol and drug free as well as meet with his probation officer monthly. He does not currently attend Alcoholics Anonymous. The Committee showed concern with his pattern of convictions. Mr. Davis is in agreement with the Committee that his license be renewed and that he be placed on probationary status.

Committee action: A motion was made and seconded to grant the renewal of Mr. Davis' respiratory care license on indefinite probation with the following terms and conditions:

1. The Applicant's license as a respiratory care practitioner is placed on INDEFINITE PROBATION. He may request a hearing to rescind the probation after two (2) years from the date of this decision.
2. The Applicant shall keep the Committee apprised of his home address, mailing address and telephone number.
3. The Applicant shall keep the Committee apprised of his place of employment, employment telephone number and name of supervisor.
4. The Applicant shall keep the Committee apprised of his occupation title and work schedule, including the number of hours worked per week.
5. The Applicant shall comply with the terms of his criminal probation.
6. The Applicant shall cause his employer to submit quarterly reports to the Committee advising the Committee of his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. The first report shall be submitted prior to the Committee's meeting on July 22, 2011, and quarterly thereafter.
7. The Applicant shall attend a minimum of two (2) AA/NA meetings per week and shall submit quarterly reports of his attendance to the

Committee. The reports shall indicate the location of the meetings, person in charge or contact person, dates and times of meetings attended and verification of attendance by a responsible member of the facility holding the meeting or other responsible attendee. The first report shall be submitted prior to the Committee's meeting on July 22, 2011, and quarterly thereafter.

8. The Applicant shall provide the Committee with a copy of a standing order from a physician or other qualified practitioner for random urine tests for drug and alcohol use within 30 days from the date of this decision and shall be subject to quarterly random drug and alcohol screens at his expense and shall have reports of the same submitted directly to the Committee.
9. The Applicant shall appear before the Committee when requested.
10. The Applicant shall immediately notify the Committee in writing of any relapse.
11. The Applicant shall not have access to any controlled substances.
12. The Applicant shall comply with all laws and rules regulating the practice of respiratory care as well as the general statutory provisions which apply to all the health professions.
13. The Applicant shall remain on probation until the Committee withdraws probation following a hearing.
14. The failure of the Applicant to comply with the requirements of probation may subject him to a show cause hearing before the Committee and the imposition of disciplinary sanctions.

SMITH/BURNWORTH

Motion carried 3-0-0

7. Beverly Ann Greenwell, License No. 30000560A

Ms. Greenwell appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Greenwell answered "yes" to question 5 on the renewal application that asks "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she was discharged from her last place of employment on July 7, 2010 for filing a complaint against a practitioner. Ms. Greenwell was asked to submit copies of fifteen (15) hours of continuing education. She did submit 15 hours of continuing education, but fourteen (14) of the hours were completed online. She stated she did not know she could only complete seven and one half (7.5) hours by self-study methods. Ms. Greenwell was advised by Ms. Vaught she will have to make up the deficient continuing education in a live setting and pay a civil penalty of three-hundred twenty five dollars

(\$325.00). The Committee chastised Ms. Greenwell for not knowing the law and suggested she read and learn the statute and rules regarding the practice of respiratory care.

Committee action: A motion was made and seconded to grant the renewal of Ms. Greenwell's respiratory care license. Ms. Greenwell was assessed a civil penalty of \$325.00 to paid within twenty-one (21) days and required to complete six and one half (6.5) hours of continuing education in a live setting within six (6) months.

SMITH/BURNWORTH

Motion carried 3-0-0

8. Kara Leah Hoh, License No. 30004227A

Ms. Hoh appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Hoh answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Ms. Hoh explained that on May 8, 2009 she was charged with public intoxication in Sellersburg, Indiana. On June 16, 2009 she was placed on probation and was required to complete one (1) year of probation and required to pay fines and costs. She submitted copies of the documents regarding her probation. She currently works at Clark Memorial Hospital in New Albany, Indiana. Ms. Hoh also submitted sufficient continuing education as required for renewal.

Committee action: A motion was made and seconded to grant renewal of Ms. Hoh's respiratory care license.

SMITH/INLGE

Motion carried 3-0-0

9. Patricia Martinez-Sanchez, License No. 30006541A

Ms. Martinez-Sanchez appeared before the Committee, as requested, regarding a positive response on her renewal application. This personal appearance was combined with the administrative hearing for Cause No. 2011 RCC 0001 heard before the Committee on this date.

10. John Charles Maxwell, License No. 30006086A

Mr. Maxwell appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Maxwell failed to answer "yes" to question 5 on the renewal application that asks "Since

you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" He explained that he had self-reported his termination from Community Health Care on March 19, 2009 and did not know that he had to disclose it at the time of renewal. Mr. Maxwell stated he thought that IPLA did not find this relevant since there was no response after he reported the termination. Mr. Maxwell was terminated for tardiness and discrepancies on his time card for falsification of time entry. When asked by the Committee if this was the only falsification of documentation, he hesitated and answered "yes". Mr. Maxwell also stated that he is a polysomnographer and that it is not a regulated profession in Indiana but was corrected by the Committee in the fact that polysomnography is in fact regulated by the respiratory care statute and rules. Mr. Maxwell currently lives in Tennessee and indicated his Tennessee license is in good standing.

Committee action: A motion was made and seconded to grant the renewal of Mr. Maxwell's respiratory care license.

SMITH/BURNWORTH

Motion carried 3-0-0

11. Megan Elizabeth McMillon, License No. 30007373A

Ms. McMillon appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. McMillon answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" She explained that on December 5, 2009 she was charged with driving under the influence of alcohol. On March 25, 2010 she pled guilty in the Jeffersonville City Court to a public intoxication Class B Misdemeanor and is currently on probation. She is required to complete one (1) year of probation that is scheduled to end April 19, 2011. She had to have an inter-lock device installed on her vehicle for a period of ninety (90) days and pay for the attendance of drug and alcohol classes that she was never required to take due to her work schedule. Ms. McMillon submitted court documentation regarding the conviction along with copies of her continuing education. Ms. McMillon currently works at Clark Memorial Hospital with adult and pediatric patients.

Committee action: A motion was made and seconded to grant the renewal of Ms. McMillon's respiratory care license.

SMITH/BURNWORTH
Motion carried 3-0-0

12. Sheri Ann Mosley, License No. 30003472A

Ms. Mosley appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Mosley answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Ms. Mosley stated that she was arrested in February 2009 for operating a motor vehicle while intoxicated and that she was on criminal probation until July 2010. She did not provide any written documentation of the arrest or conviction. She entered the Fairbanks Hospital inpatient program for treatment of alcohol dependence on January 9, 2011, and was discharged from that program on January 25, 2011. On January 27, 2011, Ms. Mosley entered into Fairbanks Hospital's intensive outpatient program and also entered the Fairbanks Hospital supported living program where she is currently residing during the course of treatment. She has a history of an inability to maintain sobriety despite previous attempts at treatment and sobriety. Ms. Mosley is currently employed at Morgan County Hospital as a respiratory therapist. Ms. Mosley has failed to provide any written documentation of the arrest or conviction and in the absence of the documentation, the Committee was unable to determine if she had committed an act for which she may be disciplined. Ms. Mosley has demonstrated to the satisfaction of the Committee that she is able to practice with reasonable skill and safety to the public provided she complies with the probationary terms and conditions set by the Committee and she was in agreement with the Committee that her license be renewed and that she be placed on probationary status.

Committee action: A motion was made and seconded to grant the renewal of Ms. Mosley's respiratory care license on indefinite probation with the following terms and conditions:

The Applicant's license as a respiratory care practitioner is placed on **INDEFINITE PROBATION**. She may request a hearing to rescind the probation no earlier than eighteen (18) months from the date of this decision.

1. The Applicant shall personally appear at the Committee's meeting on July 22, 2011, and bring with her written documentation concerning the arrest, conviction, and final disposition of the criminal charges of operating while intoxicated.

2. The Applicant shall keep the Committee apprised of her home address, mailing address and telephone number.
3. The Applicant shall keep the Committee apprised of her place of employment, employment telephone number and name of supervisor.
4. The Applicant shall keep the Committee apprised of her occupation title and work schedule, including the number of hours worked per week.
5. The Applicant shall continue with the treatment program at Fairbanks Hospital and shall follow the course of treatment as recommended by Fairbanks.
6. The Applicant shall provide the Committee with a copy of a standing order from a physician or other qualified practitioner for random urine tests for drug and alcohol use within 30 days from the date of this decision and shall be subject to monthly random drug and alcohol screens at her expense and shall have reports of the same submitted directly to the Committee.
7. The Applicant shall appear before the Committee when requested.
8. The Applicant shall immediately notify the Committee in writing of any relapse.
9. The Applicant shall not have access to any controlled substances.
10. The Applicant shall comply with all laws and rules regulating the practice of respiratory care as well as the general statutory provisions which apply to all the health professions.
11. The Applicant shall remain on probation until the Committee withdraws probation following a hearing.
12. The failure of the Applicant to comply with the requirements of probation may subject her to a show cause hearing before the Committee and the imposition of disciplinary sanctions.

SMITH/INGLE

Motion carried 3-0-0

13. Debra Darlene Pearson, License No. 30001276A

Ms. Pearson appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Pearson answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she was terminated from Clarian after twenty-one (21) years of employment because she and Clarian management was

not a match any longer. Ms. Pearson has been employed at Frankfort Hospital since August 2010.

Committee action: A motion was made and seconded to grant the renewal of Ms. Pearson's respiratory care license.

SMITH/BURNWORTH

Motion carried 2-0-1

*Ms. Ingle recused herself

14. Dennis Chris Peterson, License No. 30003908A

Mr. Peterson appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Peterson answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" On February 12, 2010, Mr. Peterson was involved in a single car accident in which he broke his back and was charged with a Class A misdemeanor for operating while intoxicated in Tippecanoe County. Mr. Peterson was convicted on May 7, 2010 and placed on unsupervised probation for a period of 364 days, required to attend a twenty (20) hour alcohol class, have an ignition inter-lock device installed, and complete a one hundred eighty (180) day driver's license suspension. Mr. Peterson has completed all court requirements and now abstains from consuming alcoholic beverages. Mr. Peterson has worked at Porter Hospital in Valparaiso for the past seventeen (17) years and is currently the staff therapist.

Committee action: A motion was made and seconded to grant the renewal of Mr. Peterson's respiratory care license pending submission of the requested continuing education certificates and court documentation.

SMITH/BURNWORTH

Motion carried 3-0-0

15. Sandra Kay Pond, License No. 30002062A

Ms. Pond appeared with counsel, Sherri Fabina-Abney, as requested, regarding a positive response on her renewal application. Ms. Pond answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?"

Ms. Pond stated that on October 12, 2009 she was terminated from DuPont Hospital in Fort Wayne, Indiana for failing a random drug screening at the hospital. She stated she had knee surgery the previous year and was prescribed Vicodin and Tramadol but accidentally had taken one of her husband's Tylenol with codeine for pain that day. Ms. Pond told the Committee that she has had random drug screenings at other places of employment and they have all been negative. She is currently working at Parkview Hospital in Columbia City, Indiana. Ms. Pond submitted letters of recommendation and sufficient continuing education as requested.

Committee action: A motion was made and seconded to grant the renewal of Ms. Pond's respiratory care license.

SMITH/INGLE

Motion carried 3-0-0

16. Amber Nicole Russell, License No. 30006572A

Ms. Russell appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Russell answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" Ms. Russell explained that in July of 2009 she was terminated from Methodist Hospital for allowing someone else to answer a page for a patient that was her responsibility. When questioned by her supervisor, she stated she was busy and was unable to respond which was not the truth. Ms. Russell currently works at Major Hospital in Shelbyville, Indiana. Ms. Russell submitted sufficient continuing education as requested.

Committee action: A motion was made and seconded to grant the renewal of Ms. Russell's respiratory care license.

SMITH/BURNWORTH

Motion carried 2-0-1

*Ms. Ingle recused herself

17. Kelli Renae Russell-Decker, License No. 30002831A

Ms. Russell-Decker appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Russell-Decker answered "yes" to question 5 on the renewal

application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" Ms. Russell-Decker explained that she was terminated from Deaconess Hospital in Evansville, Indiana for taking excessive break time with no prior notice or warnings. The Committee stated there is normally a policy in place that starts with a verbal warning followed by a written warning prior to termination. Ms. Russell-Decker did not provide a written statement regarding the positive response on her renewal application as instructed to do so at the time of renewal. Ms. Russell-Decker is not currently employed. The information provided by her was vague with respect to the reason and circumstances of her termination. In the absence of documentation concerning the termination of employment, the Committee was unable to determine if she had committed an act for which she may be disciplined. Ms. Russell-Decker has demonstrated to the satisfaction of the Committee that she is able to practice with reasonable skill and safety to the public provided she complies with the probationary terms and conditions set by the Committee. She is in agreement with the Committee that her license be renewed and that she be placed on probationary status.

Committee action: A motion was made and seconded to grant the renewal of Ms. Russell-Decker's respiratory care license on indefinite probation with the following terms and conditions:

1. The Applicant's license as a respiratory care practitioner is placed on **INDEFINITE PROBATION**.
2. The Applicant shall provide, no later than the Committee's meeting on July 22, 2011, written documentation from Deaconess Hospital concerning the reasons for her termination from employment.
3. The Applicant may request a hearing to rescind the probation no earlier than the Committee's meeting on July 22, 2011.
4. The Applicant shall remain on probation until the Committee withdraws probation following a hearing.
5. The failure of the Applicant to comply with the requirements of probation may subject her to a show cause hearing before the Committee and the imposition of further sanctions.

INGLE/BURNWORTH
Motion carried 3-0-0

18. Connie S. Salm, License No. 30003101A

Ms. Salm appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Salm answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" Ms. Salm that she was terminated from Dunn Memorial Hospital in October 2009 due to not signing a work plan for unsatisfactory work performance. Ms. Salm stated she was being harassed and her work was being sabotaged. She is currently employed at Indiana University Bedford Regional Hospital. Ms. Salm submitted letters of recommendation and the required continuing education certificates as requested.

Committee action: A motion was made and seconded to grant the renewal of Ms. Salm's respiratory care license.

SMITH/INGLE

Motion carried 3-0-0

19. Kimberly Marie Sierota, License No. 30007369A

Ms. Sierota appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Sierota answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Ms. Sierota explained that on May 7, 2010 she was arrested for charged with driving under the influence. On June 2, 2010 the charge was reduced and was pled down to a public intoxication. Ms. Sierota was placed on probation for one (1) year, required to pay approximately two-thousand five hundred dollars (\$2,500.00) in fines, pay for alcohol classes which she was required to but could not take due to family working at the local hospital and attend an impact panel course. The one (1) year of probation is scheduled to end on June 2, 2011. Ms. Sierota is currently employed at Floyd Memorial Hospital.

Committee action: A motion was made and seconded to grant the renewal of Ms. Sierota's respiratory care license.

SMITH/BURNWORTH

Motion carried 3-0-0

20. Eric Sutton, License No. 30004372A

Mr. Sutton appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Sutton failed to answer "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" His licensing file contained information indicating that he should have responded "yes" to this question. The Committee requested information about whether he had been charged with or convicted of a crime since he last renewed his license. After inquiry from the Committee, Mr. Sutton confirmed that he did have a conviction that he failed to report on the renewal application. He was arrested on November 19, 2008, for operating a vehicle while intoxicated and convicted on March 5, 2009, of a class A misdemeanor of Operating While Intoxicated Endangering a Person. Mr. Sutton was placed on criminal probation for one (1) year subject to certain terms. His probation was terminated successfully on March 4, 2010. On April 12, 2005, his respiratory care license was renewed on probation, subject to certain terms and conditions, because he had been charged with domestic battery on June 12, 2004. After a hearing on April 20, 2007, the probation was withdrawn. Mr. Sutton stated that he did not report the 2009 OWI conviction on his renewal application because he wanted some "normalcy" in his life. He intentionally failed to disclose the 2009 criminal conviction on his renewal application. He is not currently working as a respiratory therapist. Mr. Sutton has demonstrated to the satisfaction of the Committee that he is able to practice with reasonable skill and safety to the public provided he complies with the probationary terms and conditions set by the Committee. He is in agreement with the Committee that his license be renewed and that he be placed on probationary status.

Committee action: A motion was made and seconded to grant the renewal of Mr. Sutton's respiratory care license on indefinite probation with the following terms and conditions:

1. The Applicant's license as a respiratory care practitioner is placed on **INDEFINITE PROBATION**. Applicant may request a hearing to rescind the probation after two (2) years from the date of this decision.
2. The Applicant shall keep the Committee apprised of his home address, mailing address and telephone number.
3. The Applicant shall keep the Committee apprised of his place of employment, employment telephone number and name of supervisor.

4. The Applicant shall keep the Committee apprised of his occupation title and work schedule, including the number of hours worked per week.
5. The Applicant shall submit written personal reports to the Committee on a quarterly basis advising the Committee of his current employment responsibilities and any other information he deems useful to the Committee in evaluating his probationary status. The first report shall be submitted prior to the Committee's meeting on July 22, 2011, and quarterly thereafter.
6. The Applicant shall attend a minimum of two (2) AA/NA meetings per week and shall submit quarterly reports of his attendance to the Committee. The reports shall indicate the location of the meetings, person in charge or contact person, dates and times of meetings attended and verification of attendance by a responsible member of the facility holding the meeting or other responsible attendee. The first report shall be submitted prior to the Committee's meeting on July 22, 2011, and quarterly thereafter.
7. The Applicant shall, if employed as a respiratory care practitioner, cause his employer to submit quarterly reports to the Committee advising the Committee of his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. The first report shall be submitted after the first quarter of employment and quarterly thereafter.
8. The Applicant shall provide the Committee with a copy of a standing order from a physician or other qualified practitioner for random urine tests for drug and alcohol use within 30 days from the date of this decision and shall be subject to quarterly random drug and alcohol screens at his expense and shall have reports of the same submitted directly to the Committee.
9. The Applicant shall appear before the Committee when requested.
10. The Applicant shall immediately notify the Committee in writing of any relapse.
11. The Applicant shall not have access to any controlled substances.
12. The Applicant shall comply with all laws and rules regulating the practice of respiratory care as well as the general statutory provisions which apply to all the health professions.
13. The Applicant shall remain on probation until the Committee withdraws probation following a hearing.
14. The failure of the Applicant to comply with the requirements of probation may subject him to a show cause hearing before the Committee and the imposition of disciplinary sanctions.

SMITH/INGLE

Motion carried 3-0-0

21. Kathryn Ann Thompson, License No. 30003556A

Ms. Thompson appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Thompson answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" and question 5 that asks "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" Ms. Thompson stated that she has been a cocaine addict since 2007. In April 2009 she was pulled over for speeding and after a search, officers found Xanax on her person that was not her prescription. From that point on she was admitted to a court ordered program. She had two (2) relapses during that program and was eventually released from the program. She went on to explain that in May 2010 she started probation required substance abuse classes, in-house detention and community service. Ms. Thompson was ultimately dismissed from Parkview Hospital in Columbia City, Indiana on June 22, 2010 due to the home detention and felony conviction. Ms. Thompson assured the Committee she has been drug free for nine (9) months. She is still on criminal probation until November 2011. Ms. Thompson is required to see her probation office twice per week and completed her home detention in December 2010. Ms. Thompson stated she was in trouble in 2004 for possession of marijuana in which she completed a pre-trial diversion program.

Committee action: A motion was made and seconded to deny the renewal of Ms. Thompson's respiratory care license and to refer a complaint to the Attorney General's office for non-disclosure of the conviction in 2004.

INGLE/SMITH

Motion carried 3-0-0

22. Mark Miller Thompson, License No. 30003002A

Mr. Thompson appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Thompson answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or

limitations?" He explained that August 2010 he was terminated from Indiana Heart Hospital for changing ventilator settings. This goes against Indiana Heart Hospital policy. He stated the nurse made the changes and was given a written warning but he was terminated as the changes were made prior to contacting the physician for the order. Mr. Thompson is employed with Community Health Network and has been asked to apply for part-time and full-time staff privileges at Community North Hospital.

Committee action: A motion was made and seconded to grant the renewal of Mr. Thompson's respiratory care license.

SMITH/BURNWORTH
Motion carried 3-0-0

23. Janice Ann Titus, License No. 30001682A

Ms. Titus appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Titus answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she was terminated from St. Vincent Mercy Hospital in Elwood, Indiana on April 19, 2010 for reporting supervisors that were accepting non-paying patients being seen in a self-pay rehabilitation facility. Ms. Titus is currently employed at Howard Regional West Campus in Kokomo, Indiana.

Committee action: A motion was made and seconded to grant the renewal of Ms. Titus' respiratory care license.

SMITH/INGLE
Motion carried 3-0-0

24. John Eddie Young, License No. 30007277A

Mr. Young appeared before the Committee, as requested, regarding a positive response on his renewal application. Mr. Young answered "yes" to question 1 on the renewal application that asks "Since you last renewed, has any Health Profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" Mr. Young stated he never responded because when he renewed his license online on December 20, 2010 there was not a drop down box to give a written statement. Ms.

Vaught stated that the IPLA website clearly states that if you have a positive response to any of the renewal questions you need to follow-up with a written response to the Respiratory Care Committee. Mr. Young explained to the Committee that Washington, D.C. recently changed their law that requires respiratory care practitioners to complete three (3) hours of continuing education in the area of ethics and he did not complete the new requirement. Mr. Young was disciplined by the Washington, D. C. board for non-compliance of their continuing education audit. Mr. Young was required to make up the continuing education hours and was required to pay a fine. Mr. Young's Washington, D. C. and Maryland licenses are both in good standing and he has never had any other disciplinary action taken against his licenses. Mr. Young submitted sufficient continuing education to the Committee as well as documentation regarding the disciplinary action taken against his Washington, D.C. license.

Committee action: A motion was made and seconded to grant the renewal of Mr. Young's respiratory care license.

SMITH/BURNWORTH

Motion carried 3-0-0

25. Heather Nichole Zoderer, License No. 30005730A

Ms. Zoderer appeared before the Committee, as requested, regarding a positive response on her renewal application. Ms. Zoderer answered "yes" to question 3 on the renewal application that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Ms. Zoderer explained that on June 10, 2010 she was arrested for driving under the influence of alcohol. Pled guilty in October of 2010 and was required to attend drug and alcohol courses; attend Advocates Against Impaired Drivers course, and her driver's license was suspended for a period of 90 days. All fines and charges were deferred upon successful completion of all court requirements. Ms. Zoderer currently works at St. Vincent's Women's Hospital and has been since 2001. Ms. Zoderer submitted sufficient continuing education certificates and court documentation regarding the conviction.

Committee action: A motion was made and seconded to grant the renewal of Ms. Zoderer's respiratory care license.

SMITH/INGLE

Motion carried 3-0-0

26. Velton Nichols, License No. 30002243A

Mr. Nichols did not appear before the Committee, as requested, regarding a positive response on his renewal application nor did he provide the Committee with a written response explaining the positive response. Mr. Nichols responded positive to the following question: "Have you been denied staff membership or privileges in any hospital or clinic or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?"

Committee action: A motion was made and seconded to deny the renewal of Mr. Nichols' respiratory care license.

SMITH/BURNWORTH
Motion carried 3-0-0

VI. ADMINISTRATIVE HEARINGS

A. Darvin Covey, R.C.P., License No. 30002534A
Administrative Cause No. 2009 RCC 0003
Re: Petition for Withdrawal of Probation

Parties and Counsel Present:

Petitioner was present without counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Committee Members:

Mr. Smith, R.C.P. (Hearing Officer)
Ms. Ingle, R.C.P.
Mr. Burnworth, R.C.P.

Case Summary: Petitioner requested a hearing for withdrawal of probation of his respiratory care practitioner license. He was granted a respiratory care practitioner license on probation with terms and conditions on February 6, 2009. Petitioner has completed all Committee requirements regarding his probation. The State has no objections to the withdrawal of probation if the Committee agrees he has completed all terms of the probation.

Committee action: A motion was made and seconded to grant the withdrawal of probation of Mr. Covey's respiratory care practitioner license.

BURNWORTH/SMITH
Motion carried 2-0-1
*Ms. Ingle Abstained

B. State of Indiana vs. Kay A. Huberts, R.C.P., License No. 30004471A
Administrative Cause no. 2011 RCC 0004
Re: Complaint

Parties and Counsel Present:

Petitioner was not present, nor represented by counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Committee Members:

Mr. Smith, R.C.P. (Hearing Officer)
Ms. Ingle, R.C.P.
Mr. Burnworth, R.C.P.

Case Summary: Respondent did not appear as requested regarding a complaint. State asks for a Notice of Proposed Default to be issued.

Committee action: A motion was made and seconded to issue a Notice of Proposed Default in the matter of Ms. Hubert's respiratory care license.

SMITH/INGLE
Motion carried 3-0-0

C. State of Indiana vs. Patricia Martinez-Sanchez, R.C. P.
License No. 30006541A
Administrative Cause No. 2011 RCC 0001
Re: Complaint

Parties and Counsel Present:

Petitioner was present without counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Committee Members:

Mr. Smith, R.C.P. (Hearing Officer)
Ms. Ingle, R.C.P.
Mr. Burnworth, R.C.P.

Case Summary: Respondent appeared without Counsel regarding a complaint against her respiratory care license. Respondent answered "yes" to question 5 on the renewal application that asks, "Since you last renewed, have you been denied staff membership or privileges in any hospital or health care facility or, have staff membership or privileges been revoked, suspended, or subjected to any restriction, probation, or other type of discipline or limitations?" She explained that she was terminated after having a positive

response to a drug screening by her employer. Respondent was given her job back under the condition she stays off all mood altering medications and narcotics. Respondent admitted to distributing Vicodin to her co-workers. Respondent is currently living in Texas and is employed by Ft. Duncan Medical Center in Eagle Pass, Texas. Respondent is currently taking 50 milligrams of Prestique per day, 50 milligrams of Tramadol three (3) to four (4) times per day for back pain, and 5 milligrams of Valium as needed for anxiety. Respondent stated she works approximately forty (40) hours per week and does not feel the medications impair her ability to work. State entered into evidence Exhibit 1, a statement of what occurred on October 15 and 16, 2009 requesting leave under the Family Medical Leave Act; Exhibit 2, an impaired behavior report dated November 10, 2009 indicating Respondent appeared to be "giddy, chatty, had dilated eyes, and was slow to respond" with an observation time period from 6:00 p.m. until 9:00 p.m.; Exhibit 3, a note dated November 10, 2009 regarding a report from Respondent that she was sobbing because she had missed three appointments and was afraid she would lose her job; Exhibit 4, a document from when she met with Susan Slifka; Exhibit 5, written documentation from Susan Slifka regarding Respondent being reported as suicidal but cleared for work; Exhibit 6, Dr. Mocks report dated November 18, 2009 indicating Respondent was not fit for duty; Exhibit 7, a positive drug screening report; Exhibit 8, a standing physician's order for drug screenings; Exhibit 9, a letter from Jean Bexis to Donna Wimmer notifying her of Respondents noncompliance with the treatment program; Exhibit 10, documentation regarding Respondent's termination from St. Anthony's on January 26, 2010 for noncompliance of the treatment program; and Exhibit 11, a letter from Respondent explaining the positive response on her renewal application. Respondent entered into evidence Exhibit A, an evaluation from St. Anthony's; Exhibit B, a letter from her current employer; Exhibit C, a letter from her employer stating what medications she is on; Exhibit D, an order for an MRI from her physician for the bulging disk in her back; and Exhibit E, an order from her physician for a knee x-ray.

Committee action: A motion was made and seconded to suspend Ms. Martinez-Sanchez respiratory care license with the condition that she may not request reinstatement of her suspended license until she undergoes an addictionology examination within thirty (30) days of her request for reinstatement.

A motion was made and seconded to deny the renewal of Ms. Martinez-Sanchez's respiratory care license.

SMITH/BURNWORTH
Motion carried 3-0-0

**D. State of Indiana vs. Sarah Lynn Murphy (Fahim), R.C. P.
License No. 30006869A**

Administrative Cause No. 2011 RCC 0003

Re: Complaint

Parties and Counsel Present:

Petitioner was present without counsel

Mark Mader, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Committee Members:

Mr. Smith, R.C.P. (Hearing Officer)

Ms. Ingle, R.C.P.

Mr. Burnworth, R.C.P.

Case Summary: Respondent appeared without counsel regarding a complaint against her respiratory care license. Respondent failed to disclose on her renewal application that she had been convicted of driving under the influence as required by law. Respondent contacted IPLA in February 2009 to report the conviction because she had not heard anything. Respondent was required by court order to complete twenty (20) hours of community service, twenty (20) hours of drug and alcohol classes, Alcoholics Anonymous Impact Panel and probation. Probation was terminated upon completion of these court requirements. Respondent is currently employed at University Hospital. The State entered Exhibit 1, a criminal court information document from court and Exhibit 2, a copy of the renewal she falsified. The State has discussed this case with Respondent and the facts are not disputed. The State asks that a letter of reprimand be issued and a fine of \$250.00 to be assessed in the matter.

Committee action: A motion was made and seconded to accept the settlement proposal in the matter of Ms. Murphy respiratory care license as offered by the State.

SMITH/BURNWORTH

Motion carried 2-0-1

*Ms. Ingle abstained

E. State of Indiana vs. Leslie M. Norris, R.C.P., License No. 30006543A

Administrative Cause No. 2011 RCC 0002

Re: Complaint

Parties and Counsel Present:

Petitioner was not present nor represented by counsel

Mark Mader, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Committee Members:

Mr. Smith, R.C.P. (Hearing Officer)
Ms. Ingle, R.C.P.
Mr. Burnworth, R.C.P.

At the request of Respondents legal counsel, this hearing is to be continued until the July 22, 2011 meeting of the Committee.

VII. NOTICE OF PROPOSED DEFAULT/DISMISSAL

There were no Notices of Proposed Default before the Committee.

VIII. VOLUNTARY SURRENDER OF LICENSE

There were no voluntary surrenders before the Committee.

IX. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Committee.

X. OLD/NEW BUSINESS

Review of Positive Responses

Discussion was held regarding positive responses for new applicants and renewals as to whether there was a need for the Committee to review all positive responses or if the staff of IPLA could make the determination of whether or not they actually need to make a personal appearance before the Committee. The Committee stated if an issue happens within five (5) years, they would like the person to make a personal appearance, but if it has been longer than five (5) years, IPLA staff can make the determination of whether they need to appear or not.

Committee action: A motion was made and seconded to allow IPLA to review applications and make the determination of whether an applicant should be required to make a personal appearance for infractions or misdemeanors that occurred more than five (5) years prior to the application date.

SMITH/INGLE
Motion carried 3-0-0

Continuing Education Audit for 2010

The continuing education audit for the 2008 – 2010 renewal period was sent out on March 15, 2011. There were forty-seven (47) licensees chosen in this random audit. Results will be discussed at the July 21, 2011 meeting of the Committee.

Facebook

The Indiana Respiratory Care Committee is now on Facebook. This does not replace the way notifications or reminders are sent out to licensees or applicants. This is just another avenue for information to be relayed to practitioners.

XI. DISCUSSION

There were no discussions before the Committee.

XII. APPLICATION REVIEW

A. Endorsement

1. Michael Holland

The Committee reviewed Mr. Holland's application for licensure by endorsement. Mr. Holland completed a respiratory care program in 1986 with the US Army Academy of Health Sciences and the NBRC on March 10, 1990. He is currently licensed in state of Ohio and Kentucky. Mr. Holland was unable to provide an official transcript. The Department of the Army submitted a certificate of completion indicating completion of their program through the U.S. Army Medical Department Center and School on December 18, 1986.

Committee action: A motion was made and seconded to approve the application by endorsement for a respiratory care license for Michael Holland.

INGLE/BURNWORTH

Motion carried 3-0-0

2. Nicholas Paulas

The Committee reviewed Mr. Paulas' application for licensure by endorsement. Mr. Paulas is a 1979 graduate of the University of Chicago Medical Center and the NBRC on December 8, 1979. He is currently licensed in the state of Illinois. Mr. Paulas is not able to provide an official transcript. However, the University of Chicago Medical Center they did submit a copy of his grade record and clinical procedures, but they do not reflect a date of graduation. Mr. Paulas did

submit a notarized copy of his official diploma showing he did in fact graduate from the University of Chicago Medical Center with a degree in respiratory care on February 9, 1979.

Committee action: A motion was made and seconded to approve the application by endorsement for a respiratory care license for Nicholas Paulas.

BURNWORTH/INGLE
Motion carried 3-0-0

B. Examination

There were no examination applications for review by the Committee.

C. Credentials

There were no credential applications to review by the Committee.

D. Temporary Permits

There were no temporary permits to review by the Committee.

E. Student Permits

There were no student permits to review by the Committee.

XIII. PROBATIONARY REPORT

There were no probationary reports for review by the Committee.

XIV. CONTINUING EDUCATION

There was no continuing education for review by the Committee.

XV. OTHER ITEMS FOR CONSIDERATION

There were no other items for consideration before the Committee.

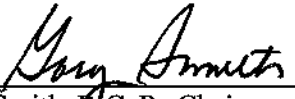
XVI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Respiratory Care Committee adjourned at 6:00 p.m.

Committee action: A motion was made and seconded to adjourn the meeting of the
Indiana Respiratory Care Committee at 6:00 p.m.

BURNWORTH/INGLE

Motion carried 3-0-0



Gary Smith, R.C. P., Chairman

7-22-11

Date